

Amendments To The Drawings:

None.

Remarks

This Amendment is in response to the Office Action dated **April 1, 2010**. Reconsideration of the claims as amended herein is respectfully requested. Claims 3 through 10 and new independent claim 19 remain in the application.

Claim Rejections – 35 U.S.C. §112

The examiner rejected claims 1 through 10 asserting the same to be un-patentable pursuant to 35 U.S.C §112, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant has amended the claims herein to address matters related to the translation of the claims into the English language and to conform to practice within the United States Patent Office. Applicant respectfully asserts that the amendments to the claims herein, address the matters as identified by the examiner as related to 35 U.S.C. §112. Reconsideration of the claims as amended herein is respectfully requested.

Claim Rejections – 35 U.S.C. §102

The Office Action also rejected claims 1 through 10 under 35 USC §102(b) over U.S. Patent No. 6,776,457 to Muin et al. In response, Applicant asserts that Muin et al '457 fails to disclose all the elements as claimed in new independent claim 19 and amended claims 3 through 10 herein.

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegall Bros., Inc. v. Union Oil Co.*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

According to Muin et al. the seat back 20 is configured to be reclinable relative to the seat frame 30. For this purpose a bracket 35 is secured to a supporting beam 31 by a clamp fastener. Please see figure 2 D and [0044] of Muin et al.

In contrast, claim 19 herein includes the elements of a lever device which is connected to a seat separator. Applicant's lever device connected to a seat separator is not a bracket secured to a supporting beam by a clamp fastener. Furthermore, the lever device includes

a second lever arm connected to the back rest. Both of these features are absent from the Muin '457 reference.

In addition the Muin '457 reference fails to disclose or claim a device where the forces from the back rest are not introduced into the support beam but rather in the seat separator. Please note that for a passenger seat in an airplane the weight is a critical parameter. Therefore the supporting beam of the passenger seat is made in such a way that it can bear the bending forces caused by outer seats. However, the supporting beam is not optimized for torque applied to the support beam. According to Muin et al. the bracket 35 introduces a torque into the supporting beam 31. According to the invention such a torque to the supporting beam is avoided.

Therefore, the claims as amended herein are not anticipated by the Muin '457 reference.

For at least the above identified reasons, applicant respectfully requests that the rejection of claims 3 through 10 and 19 pursuant to 35 U.S.C. §102 over Muin '457 be withdrawn. Reconsideration of the claims as presented herein is respectfully requested.

With respect to claims 3 through 10 applicant respectfully asserts that the dependent claims 3 through 10 are allowable, because they depend from an allowable independent claim namely new independent claim 19 herein. As such, Applicant respectfully requests allowance of dependent claims 3 through 10.

For at least the above stated reasons, applicant respectfully asserts that applicant's claims herein are allowable over the prior art of record. Reconsideration and early action to that effect is earnestly solicited.

Should the Examiner have any questions concerning this Amendment, then the Examiner is cordially invited to contact the undersigned by telephone, facsimile, and/or E-Mail at the below identified address. If an extension of time is required to make this response timely and no separate petition is enclosed, Applicant hereby petitions for an extension of time sufficient to make the response timely. In the event that the response herein requires the payment of additional government fees and payment is not enclosed, please charge Deposit Account No. 22-0350.

Conclusion

It is believed that claims 3 through 10 and new independent claim 19 in the present application are in condition for allowance in view of the foregoing. Applicant respectfully requests reconsideration of the claims herein and that the rejections be withdrawn and the claims allowed. Applicant respectfully requests the Examiner to reconsider the claims herein which Applicant believes are in condition for allowance. Early action to that effect is earnestly solicited.

Respectfully submitted,

VIDAS, ARRETT & STEINKRAUS

Date: July 1, 2010

By: /Edwin E. Voigt II/
Edwin E. Voigt II
Registration No.: 36042

6640 Shady Oak Rd., Suite 400
Eden Prairie, MN 55344-7834
Telephone: (952) 563-3000
Facsimile: (952) 563-3001

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